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AZ CORP COMMISSION  
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**BEFORE THE ARIZONA CORPORATION COMMISSION**

IN THE MATTER OF THE APPLICATION  
OF H<sub>2</sub>O, INC., FOR AN EXTENSION OF  
ITS EXISTING CERTIFICATE OF  
CONVENIENCE AND NECESSITY.

DOCKET NO. W-02234A-00-0371

IN THE MATTER OF THE APPLICATION  
OF JOHNSON UTILITIES, L.L.C. DBA  
JOHNSON UTILITIES COMPANY FOR  
AN EXTENSION OF ITS CERTIFICATE  
OF CONVENIENCE AND NECESSITY TO  
PROVIDE WATER AND WASTEWATER  
SERVICE TO THE PUBLIC IN THE  
DESCRIBED AREA IN PINAL COUNTY,  
ARIZONA.

DOCKET NO. WS-02987A-99-0583

IN THE MATTER OF THE APPLICATION  
OF JOHNSON UTILITIES, L.L.C. DBA  
JOHNSON UTILITIES COMPANY FOR  
AN EXTENSION OF ITS CERTIFICATE  
OF CONVENIENCE AND NECESSITY TO  
PROVIDE WATER AND WASTEWATER  
SERVICE TO THE PUBLIC IN THE  
DESCRIBED AREA IN PINAL COUNTY,  
ARIZONA.

DOCKET NO. WS-02987A-00-0618

Arizona Corporation Commission

**DOCKETED**

MAR 10 2005

DOCKETED BY 

IN THE MATTER OF THE APPLICATION  
OF DIVERSIFIED WATER UTILITIES,  
INC. TO EXTEND ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY.

DOCKET NO. W-02859A-00-0774

1  
2 IN THE MATTER OF THE APPLICATION  
3 OF QUEEN CREEK WATER COMPANY  
4 TO EXTEND ITS CERTIFICATE OF  
5 CONVENIENCE AND NECESSITY.

DOCKET NO. W-01395A-00-0784

6  
7 **MOTION TO CONSOLIDATE**

8 Diversified Utilities, Inc. ("Diversified") respectfully moves to consolidate its  
9 application to amend Decision 63960 with the pending applications for certificate of  
10 convenience and necessity filed in docket numbers W-02859A-04-0844 and WS-02987A-04-  
11 0869 for purposes of hearing. Presently, the above captioned matters are pending before the  
12 Commission and all involve the issue of the certificated provider of water services for all or a  
13 portion of the same area. The pending applications afford the Commission alternatives on  
14 how to handle the matter. Under one alternative, an existing decision may be amended based  
15 upon the fact that the Skyline Domestic Water Improvement District has been rescinded and  
16 declared void *ab initio* by the Board of Supervisors (the sole reason cited in Decision 63960  
17 for leaving the area uncertificated). The other alternative is for the Commission to proceed as  
18 if on new applications. However, the docket developed in Decision Number 63960 is still  
19 relevant to such a determination.  
20

21 At the procedural conference conducted March 7, 2005 in docket numbers W-  
22 02859A-04-0844 and WS-02987A-04-0869, Administrative Law Judge Dwight D. Nodes  
23 indicted that due to the lapse of time following Decision Number 63960, it would likely be  
24 appropriate to hold an evidentiary hearing whether the matter was treated as an application to  
25 amend Decision Number 63960 or as a new CC&N application. At the Procedural

1 Conference, Diversified noted that A.R.S. § 40-252 does not require an evidentiary hearing  
2 and suggested that it would be appropriate for the Commission first to consider the  
3 Application To Amend Decision Number 63960 and then to proceed on the applications for  
4 new certificates of convenience and necessity only if the application to amend was not  
5 granted.  
6

7 In an effort to simplify the matter and to avoid delays in processing all the  
8 pending matters, with due consideration of ALJ Nodes concerns regarding the need for an  
9 evidentiary hearing, and to provide an efficient method to address all issues without a  
10 duplication of proceedings, Diversified hereby respectfully requests that its Application To  
11 Amend Decision Number 63960 be consolidated with docket numbers W-02859A-04-0844  
12 and WS-02987A-04-0869 for hearing. This consolidation will not require any delay or  
13 change in the procedural schedule for docket numbers W-02859A-04-0844 and WS-02987A-  
14 04-0869, but will afford the Commission the opportunity to determine, based upon an  
15 evidentiary record, whether to treat this matter as an Application To Amend Decision  
16 Number 63960 or as new applications for certificates of convenience and necessity.  
17  
18

19 RESPECTFULLY SUBMITTED this 10<sup>th</sup> day of March, 2005.

20 CURTIS, GOODWIN, SULLIVAN,  
21 UDALL & SCHWAB, P.L.C.

22 By: 

23 William P. Sullivan, Esq.  
24 2712 North Seventh Street  
25 Phoenix, Arizona 85006-1090  
Attorneys for Diversified Water Utilities, Inc.

1  
2 PROOF OF AND CERTIFICATE OF MAILING

3 I hereby certify that on this 10th day of March, 2005, I caused the foregoing  
4 document to be served on the Arizona Corporation Commission by delivering the original and twenty  
5 three (23) copies of the above to:

6 Docket Control  
7 Arizona Corporation Commission  
8 1200 West Washington  
9 Phoenix, Arizona 85007

10 With copies of the foregoing mailed and/or  
11 hand-delivered this 10th day of March, 2005 to:

12 Dwight D. Nodes, Administrative Law Judge  
13 Arizona Corporation Commission  
14 1200 West Washington Street  
15 Phoenix, Arizona 85007

16 Jason Gellman  
17 Legal Division  
18 Arizona Corporation Commission  
19 1200 West Washington Street  
20 Phoenix, Arizona 85007

21 Ernest Johnson, Director  
22 Utilities Division  
23 Arizona Corporation Commission  
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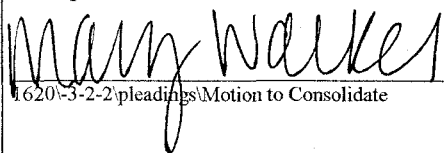
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24  
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620-3-2-2\pleadings\Motion to Consolidate